

# Notice of Allowability

Application No.

09/663,599

Examiner

Edward R. Cosimano

Applicant(s)

LAPSTUN ET AL.

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed May 07, 2004.
2. ☒ The allowed claim(s) is/are 1-4, 8-21 and 25-34.
3. ☒ The drawings filed on 9/15/00; 10/13/03 & 5/7/04 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Edward R. Cosimano  
Primary Examiner  
Art Unit: 3629

1. Applicant should note the changes to patent practice and procedure:
  - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997;
  - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000; and
  - C) Amendment in revised format, Vol. 1267 of the Official Gazette published February 25, 2003.
2. The proposed drawing corrections filed October 13, 2003 and May 07, 2004 have been approved.
- 2.1 It is noted that applicant is no longer claiming small entity status.
3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).
4. The following is an Examiner's Statement of Reasons for Allowance:
  - A) the prior art for example:
    - (1) Horst (2,417,163) discloses printed decodable encoded information on a substrate.
    - (2) the Packaging Week article, discloses the use of a dual head printing system to simultaneously print information at two locations.
    - (3) Wolff et al (GB 2306669) discloses a stylus that includes a CCD array for reading coded information on a substrate.
    - (4) Dougherty et al (WO 99/18487) discloses a stylus that includes a CCD array for reading coded information on a substrate, where the coded information controls the operation of a system.
    - (5) either Ikeda (5,938,727) or Zazzu et al (2002/0043562), disclose encoding destination information as a barcode on a substrate.

Art Unit: 3629

(6) Shachar (6,012,102) discloses encoding information as a bar code and placing the barcode on a business card.

B) however, in regard to claims 1 & 18, the prior art does not teach or suggest:

(1) using a sensing device to sense encoded data when the sensing device is in an operative relative position to the substrate, that is business card; and

(2) a computer connected to the sensing device for determining from the sensed encoded data whether or not a first user may send information, for example, e-mail, to a second user.

Claims 2, 3, 8-17 (as they depend from claim 1), 19, 20 & 25-34 (as they depend from claim 18), are allowable for the same reason.

C) however, in regard to claims 4 & 21, the prior art does not teach or suggest:

(1) using a sensing device to sense encoded data when the sensing device is being moved in an operative relative position to the substrate, that is business card; and

(2) a computer connected to the sensing device for determining from the movement of the sensing device to be a request granting the authority for a first user to send information, for example, e-mail, to a second user.

Claims 8-15 & 17 (as they depend from claim 4) & 25-34 (as they depend from claim 21) are allowable for the same reason.

4.1 Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.".

5. Response to applicant's arguments.

5.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been overcome by applicant's last response.

Art Unit: 3629

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

6.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

6.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

6.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

07/17/04



Edward R. Cosimano

Primary Examiner A.U. 3629